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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,390	07/17/2003	Jen-Shou Tseng	9610-US-PA	1389
43831 7590 07/16/2007 BERKELEY LAW & TECHNOLOGY GROUP, LLP 17933 NW Evergreen Parkway, Suite 250 BEAVERTON, OR 97006			EXAMINER CHAN, KO HUNG	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 07/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/604,390

Applicant(s)

TSENG ET AL.

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 9-15, 18, 21-26 and 28-35 is/are pending in the application.
- 4a) Of the above claim(s) 30-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 9-15, 18, 21-26 and 28-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 30-33 have been withdrawn from consideration as being directed to a non-elected invention as discussed in the previous Office action. See 37 CFR 1.142(b) and MPEP § 821.03.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 112***

Claims 1-3, 6, 9-12, 28, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is vague and indefinite for having a preamble recitation inconsistent with the recitation in the body of the claim. Preamble of claim 1 sets forth an intended use of a supporting structure "for a scanner"; However, the body of the claim sets forth a combination claim with the scanner. Such inconsistency makes it unclear as to whether a combination of supporting and scanner is claimed or not. Examiner has treated the claims as claiming combination claim of support and scanner.

#### ***Claim Rejections - 35 USC § 102***

Claims 1, 2, 11-14, 23-29, and 34-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Prior Art of figures 1 and 2 as disclosed by Kao (US patent no. 6,762,864). Prior Art disclosed in Kao discloses a scanner with a case body (102) for a platform (110) of glass or acrylic resin as disclosed in applicant's specification

comprising: a housing (12, figure 1) having an opening on which the platform (16 and 21 assembly) is placed, and one or more support elements (202, figure 2) integrally formed with the housing, at least one of the support elements comprising: a supporting surface (uppermost surface spring 202) on a top of each support element configured to contact the platform; and an absorbing body (the lower section of spring 202) located beneath the supporting surface capable of resilient deformation to absorb a stress received by the supporting surface in response to an external force; wherein the support element is located along a periphery of the platform.

***Claim Rejections - 35 USC § 103***

Claims 3, 6, 9, 10, 15, 18, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art of figures 1 and 2 as disclosed by Kao (US patent no. 6,762,864) in view of Rohee (US patent no. 5,224,781). Prior Art disclosed by Kao disclosed all the claimed features of applicant's invention except for the absorbing body is of "5" shaped. Rohee demonstrates it is old and well-known to make an absorbing body of a "5" shaped. To provide an absorbing body of "5" shaped would have been a matter of obvious design choice and is demonstrated by Rohee.

Claims 1, 2, 11-14, 23-29, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (as provided in applicant's own specification and as shown in applicant's figures 1A-1B and herein referred to as "PA") in view of Kakizaki et al (US patent no. 5,633,461). PA discloses a scanner with a case body (102) for a platform (110) of glass or acrylic resin as disclosed in applicant's specification comprising: a housing (102) having an opening on which the platform is placed, and one

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or more support elements (112) mounted on interior walls of the housing, at least one of the support elements comprising: a supporting surface (flat horizontal ledge of 112) on a top of each support element configured to contact the platform; and an absorbing body (the lower vertical section of 112 inherently shares the stress or weight received by the supporting surface or the flat horizontal ledge of 112 since it is supporting the ledge) located beneath the supporting surface configured to share a stress received by the supporting surface in response to an external force; wherein the support element is located along a periphery of the platform. However, PA does not disclose the absorbing body is of the resilient deformable type. Kakizaki teaches a case body (18) for a platform (16) comprising: a housing (18) having an opening on which the platform is placed, and one or more support elements (17) mounted on interior walls of the housing, at least one of the support elements comprising: a supporting surface (19, figure 6, 7) on a top of each support element configured to contact the platform; and an absorbing body (17a or 17d) capable of resilient deformation located beneath the supporting surface configured to share a stress received by the supporting surface in response to an external force; wherein the support element is located along a periphery of the platform. It would have been obvious to one of ordinary skill in the art to have modify the absorbing body of PA such it is resiliently deformable type to absorb vibration as taught by Kakizaki.

Claims 3, 6, 9, 10, 15, 18, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (as provided in applicant's own specification and as

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shown in applicant's figures 1A-1B and herein referred to as "PA") in view of Kakizaki et al (US patent no. 5,633,461) as applied to claims 1, 13, and 34 above and further in view of Rohee (US patent no. 5,224,781). PA and Kakizaki combined disclosed all the claimed features of applicant's invention except for the absorbing body is of "5" shaped. Rohee demonstrates it is old and well-known to make an absorbing body of a "5" shaped. To modify the absorbing body of PA and Kakizaki combined such that the absorbing body is of "5" shaped would have been a matter of obvious design choice and is demonstrated by Rohee.

### ***Response to Arguments***

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

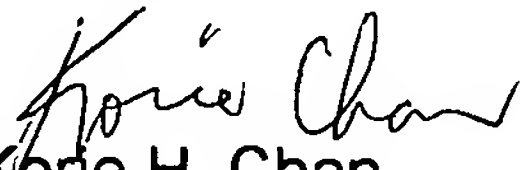
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571)272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Korie H. Chan  
Primary Examiner  
Art Unit 3632

khc  
July 09, 2007